

BOARD OF CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, September 23, 2003
Commissioners Meeting Room
Carbon County Courthouse, Rawlins, Wyoming

The re-scheduled meeting of the Carbon County Commissioners was held on September 23, 2003, in the Commissioners Meeting Room of the Carbon County Courthouse. Attending the meeting were Chairman Artlin Zeiger; Commissioners Linda Fleming and Lee Meacham; Linda Ann Smith, Carbon County Clerk; Alice Garvin, Chief Deputy Clerk; and Gwynn Rothenberger, Deputy Clerk.

Chairman Artlin Zeiger called the meeting to order at 9:00 a.m.

VOUCHERS

The following vouchers were presented for payment:

AT&T	Various	\$ 57.81
Albany County Sheriff	Various	23,742.37
Alco	Various	97.10
Alsco	Various	200.86
Amerigas	Fire	161.06
Animal Eye Center	Sheriff	5.04
Art's Plumbing & Heating	Senior Services	414.49
Avaya	Radio Tech	2,250.20
Baggs, Town of	Various	213.91
Bank of Commerce	Various	3,022.70
Bear Trap Café	Sheriff	84.75
Behavioral Interventions	Jail	569.80
Bi-Rite Pharmacy	Jail	912.49
Boys Town National Training Center	Grants	399.91
Bresnan Communications	Sheriff	51.89
Brown, Estella	Grants	4.95
Build Rite Lumber	Various	363.96
CC & G	SC/Road & Bridge	8,270.00
Canon Financial	Administration	475.46
Carbon County Senior Services	Grants	5,000.00
Carbon County Treasurer	Various	853.58
Carbon County TV & Electronics	Clerk	59.95
Carbon Power & Light	Various	350.94
Centurytel	Road & Bridge	139.92
Cina, Stephen J. MD	Administration	3,541.54
C N A Surety	Sheriff	50.00
Conoco, Inc	Sheriff	645.46
Corporate Express	Sheriff	364.86
Crawford, Warren	CES	16.70
Custom Vinyl Signs & Lettering	CES	450.60
D & K Sanitation	Road & Bridge	60.00
D & L Well Service	Various	155.25
Daggett County Sheriff	Jail	8,110.80
Daily Times	Various	2,144.15
Dallin Motors	Emergency Management	22.95
DeLeon, John	Administration	1,140.00
Division of Criminal Investigation	Sheriff	35.00

Don's Repair Service	Senior Services	349.34
Drifter's Inn	Grants	18.85
Dubois Telephone Exchange	Sheriff	54.39
Eagle Uniform Supply	Carbon Building	118.46
Elk Mountain Towing	Sheriff	33.84
Engstrom, James DDS	Jail	275.00
Erickson & Roberts	Administration	2,448.49
Evergreen Disposal Service	Senior Services	49.00
Farmer Brothers	Clerk	54.40
Farster, Pamela	Grants	2,362.50
Fedex	Sheriff	24.44
First Choice Inn	Grants	42.75
Fleming, Linda	Commissioners	105.60
Foster Landscape & Construction	Buildings & Grounds	45.00
France Flying Service	Sheriff	512.50
Gasses Plus	Road & Bridge	131.58
Glenn D Biggs & Associates	Jail	60.00
Gillette Office Supply	WIC	3.98
Grabow, Jay	Planning	229.52
Hettgar, Bridget	Public Health	44.04
High Plains Power	Road & Bridge	23.59
Hillcrest Spring Water	Various	81.60
Hilltop Lube	Sheriff	96.50
Hoke, John	Administration	660.00
Holiday Inn - Cheyenne	Grants	88.45
Howard Supply Co	Road & Bridge	303.92
Hyland Enterprises	Road & Bridge	30.82
Inventory Trading Co	Grants	436.50
J H Kaspar Oil	Sheriff	1,324.11
Jackalope Printing	Various	393.85
JB's Stop-n-Shop	Sheriff	23.00
KN Energy Inc	Various	822.45
Kar Kraft	Sheriff	795.77
Kar Products	Road & Bridge	134.82
Katie Starz	Commissioners	43.95
Kilburn Tire Company	Road & Bridge	832.95
Kinderprint Co	Sheriff	188.53
Kirsch, A.P. MD	Jail	1,500.00
Kone Elevators	Various	885.76
Kroger	CES	27.36
L & L Electric	Carbon Building	67.66
LM Olson Construction	Grants	23,937.50
Lariat International Trucks	Road & Bridge	105.46
Larsen, Karen	GIS / GPS	17.90
Lexis Nexis Matthew Bender	Various	199.60
Long Building Technologies	Buildings & Grounds	1,182.92
MSU Extensions Publications	CES	6.00
Massey, Daniel PC	Administration	16.77
McBride, Shaun	Sheriff	33.51
McCann, Phyllis	Buildings & Grounds	550.00
McIlvaine, Robert & Betty	Public Health	475.00
Medicine Bow, Town of	Senior Services	56.64
Meds-PDN	Grants	125.00
Memorial Hospital of Carbon County	Various	8,868.97

Memorial Hospital of Sweetwater County	Jail	1,238.69
Merrill, Betty	Road & Bridge	760.00
Mikesell, Cecelia	Grants	136.62
Minnpar, Inc	Road & Bridge	2,165.08
Montgomery Construction	Buildings & Grounds	16,774.66
Montoya, Joan	Grants	8.32
Morrow, Lavonne	Grants	700.00
NADA Appraisal Guides	Treasurer	160.00
Nicholson, Spencer & Associates	Public Health	95.00
Noyes Health Care Center	Buildings & Grounds	1,082.00
Overhead Door Company	Emergency Management	34.00
PMPC Engineering	SC/Road & Bridge	12,916.56
Pacific Power & Light	Various	5,780.48
Page One West	Attorney	20.20
Palmer's Playhouse	Grants	277.50
Pamida	Various	182.53
Parkway Plaza	Administration	55.00
Parrie's Electronics	Various	533.78
Perkins Oil Co	Various	2,309.94
Perue Printing	Various	367.00
Pi-globalcom.com	CES	199.00
Pino, Jennifer	CES	21.69
Pitney Bowers	Administration	1,613.75
Plan One / Architects	Grants	65,138.82
Platte County Sheriff's Dept	Jail	3,405.48
Q Business Source	Administration	206.96
Q Creek Land	Road & Bridge	1,638.00
Quester Gas	Senior Services	8.70
Quill Corporation	Various	439.22
QWEST	Various	4,377.18
Rasmusson Furniture	Emergency Management	439.95
Rawlins Automotive	Various	387.29
Rawlins, City of	Various	2,729.48
Rawlins Family Medical	Various	255.00
Rawlins Fire Extinguisher	Various	844.50
Reserve Account	Administration	15,000.00
Ross' Automotive services	Sheriff	349.29
Royal Sanitary Supply	Courthouse	167.58
Ryan Electronics	Fire / Radio Tech	4,664.14
Ryan, Zola	CES	105.44
Saratoga Auto Glass & Window Tinting	CES	40.00
Saratoga Auto Parts	Sheriff	1,036.80
Saratoga Feed & Grain	Road & Bridge	1,212.50
Saratoga Sun	Administration	1,479.11
Schaefer, Christopher	Senior Services	160.00
S E D Medical	Road & Bridge	81.65
Seiloff, William	Senior Services	300.00
Shell Fleet Plus	Sheriff	17.11
Shively Hardware	Road & Bridge	782.61
Sinclair Oil Corp	Sheriff	95.11
Smith, Susan	Public Health	156.45
Snowy Range Propane	Road & Bridge	57.84
Speer, William	Planning	34.32
T&T Plumbing & Service	Various	462.50

TLC Commercial Cleaning	Carbon Building	3,320.00
Terry's Towing Service	Sheriff	45.00
Texaco Credit Card Center	Sheriff	72.18
Tire Distribution Systems	Road & Bridge	46.50
Trading Post	Sheriff	134.38
Transcor America	Sheriff	2,248.45
True Value of Rawlins	Various	389.84
U S Bank	Various	1,121.71
USP Communications	Various	355.19
U S Postmaster	Various	76.00
Union Telephone Co	Road & Bridge	476.98
Valley Oil Co	Various	2,267.19
Valley Food & Liquor	Sheriff / Road & Bridge	63.49
Verizon Wireless	Various	161.79
Viking Office Products	Various	918.31
Visionary Communications	GIS / GPS	100.00
Washboard	Courthouse	28.00
Watts, Jan	Grants	400.00
Wayne's Key & Lock	Courthouse	83.50
West Express Lawn Service	Buildings & Grounds	50.00
West Group Payment Center	Attorney	682.01
White Buffalo Enterprises	Grants	1,505.00
Wilson's Self Service	Road & Bridge	928.57
Worldwide Info	Sheriff	104.00
WY Department of Employment	WIC	100.26
WY Department of Family Service	WIC	100.44
WY Diesel Service	Road & Bridge	115.66
WY Law Enforcement Academy	Sheriff	256.00
WY Livestock Roundup	CES	35.00
WY Machinery Company	Road & Bridge	2,808.63
WY Paper Supply	Various	570.68
WY Search & Rescue	Sheriff	250.00
WY State Penitentiary	Jail	3,804.00
Xerox Corp	CES	1,731.37
Yampa Valley Electric	Various	571.64
Zeiger, Artlin	Commissioners	152.46
	Total	295,320.05

CLERK

Minutes

Commissioner Fleming moved and Commissioner Meacham seconded to postpone the approval of the minutes from the September 2, 2003 Commissioners meeting until the October 7, 2003 meeting. The motion carried unanimously.

County Road 648 / Boykin

Commissioner Fleming moved to appoint Daniel Massey as Independent Hearing Officer for the hearing scheduled October 28, 2003 for the County Road 648 / Boykin matter and to authorize the Chairman to sign the Order Appointing Independent Hearing Examiner. The motion was seconded by Commissioner Meacham and carried unanimously.

Monthly Receipts

Linda Smith reported the monthly receipts for the Clerk's Office totaled \$17,645.50 and also reported Road & Bridge monthly receipts in the amount of \$200.00.

Medicine Bow Bank Building

Commissioner Fleming moved and Commissioner Meacham seconded that a warrant for \$2000.00 earnest money be made payable to James A. Santilli upon Tom Thompson's review of the title commitment and approval of the same from the Board for the purchase of the Medicine Bow bank building. The motion carried unanimously.

Medicine Bow Rural Health

Commissioner Fleming moved to rescind the bid of \$4,038.34 awarded to Rawlins Glass on September 2, 2003 to replace the windows at the Medicine Bow Clinic based on the notification from Rawlins Glass that labor was not included in the amount of the bid award. The motion was seconded by Commissioner Meacham and carried unanimously.

Commissioner Fleming moved and Commissioner Meacham seconded to award the bid for replacing the windows at the Medicine Bow Clinic to K & K Discount Siding, Inc. in the amount of \$4,700.00, including installation. The motion carried unanimously.

Fire Department Vehicle Bid

Commissioner Fleming moved and Commissioner Meacham seconded to table the discussion regarding the bid awarded to Cris Criswell on September 2, 2003 for a 1962 Mack truck that was advertised as a 1964 Mack, until Dwight France is available for consultation. The motion carried unanimously.

Planning & Zoning Receipts

Linda Smith reported the monthly receipts for Planning & Zoning totaled \$920.00.

Bonds

A bond was approved for Linda K. James, Treasurer of the Carbon County Visitor's Council, in the amount of \$20,000.00, dated August 15, 2003.

IRS Taxable Benefits

Commissioner Meacham moved and Chairman Zeiger seconded to approve Resolution No. 2003-33, A Resolution Following Internal Revenue Service Guidelines For Carbon County Employees' Taxable Benefits. The motion carried with Chairman Zeiger and Commissioner Meacham voting yes, and Commissioner Fleming voting no.

**A RESOLUTION FOLLOWING INTERNAL REVENUE SERVICE
GUIDELINES FOR CARBON COUNTY EMPLOYEES' TAXABLE BENEFITS**

WHEREAS, the Internal Revenue Service has an Employer's Tax Guide to Fringe Benefits that must be followed; and

WHEREAS, certain Employer's benefits must be considered as part of Employee's gross pay, subject to FICA and Medicare contributions and Federal Withholding taxes; and

WHEREAS, Carbon County is desirous of following all Internal Revenue Service rules and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CARBON COUNTY:

1. The personal use of a county owned vehicle is a taxable fringe benefit. Personal use includes the value of commuting to and from work in a county vehicle, even if the vehicle is taken home for the convenience of the employer. Such personal vehicle use is a non-cash taxable fringe benefit. Carbon County will use the applicable special valuation rules to determine the value of personal use, included in gross income of each employee.

Employees' use of Qualified Non-Personal use vehicle can be excluded from the County employee's income. Qualified non-personal use vehicles are defined in IRC Reg. 1.274-5T(k)(2)(i) and (ii)..

Commuting expenses. You cannot deduct the costs of driving a car between your home and your main or regular place of work. These costs are personal commuting expenses.

2. Work clothing provided by the employer is not taxable to the employee if the employee must wear them as a condition of employment and the clothes are not suitable for everyday wear.
3. The Internal Revenue Code provides that the value of employer provided meals and reimbursements for meals are included in employee income, unless there is some provision that allows for their exclusion. If meals are not excludable from income as travel expenses, they may still be excludable if they are provided for the convenience of the employer or qualify as de-minimis benefits or entertainment expenses. For the employer to exclude payments, amounts must be paid under an accountable plan.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING:

That the Carbon County Board of Commissioners hereby adopts these Internal Revenue Service rules and regulations.

PASSED, APPROVED AND ADOPTED this 23rd day of September, 2003.

BOARD OF COUNTY COMMISSIONERS OF
CARBON COUNTY, WYOMING

-s- Artlin Zeiger
-s- Lee Meacham

ATTEST: -s- Linda Ann Smith, County Clerk
STRATTON VS. REIDY

The Board recessed for a road hearing in the matter of Stratton vs. Reidy at 10:00 a.m. and reconvened at 10:15 a.m.

RECESS

The Board recessed at 10:15 a.m. to view the jail construction site and reconvened at 11:30 a.m.

EXECUTIVE SESSION

Commissioner Meacham moved and Commissioner Fleming seconded to go into executive session at 11:30 a.m. for litigation discussion. The motion carried unanimously.

Commissioner Meacham moved to come out of executive session at 12:15 p.m. The motion was seconded by Commissioner Fleming and carried unanimously.

LUNCH

The Board recessed for lunch at 12:15 p.m. and returned at 1:30 p.m.

CONDUCT EASEMENT / COUNTY ROAD

Reggie Thornburg and Mike Condict appeared before the Board to request information from the County as to obtaining access to an isolated parcel of land near Riverside. The Board informed them that they needed more information in regards to any existing easements before access could be granted.

PUBLIC RECORD FEE SCHEDULE

Commissioner Meacham moved and Commissioner Fleming seconded to approve Resolution No. 2003-34, A Resolution of the Carbon County Board of Commissioners for the Establishment of Fees or Charges to be Assessed for Production of Public Records Pursuant to Wyoming Statutes 16-4-204. The motion carried unanimously.

RESOLUTION NO. 2003 - 34

A RESOLUTION OF THE CARBON COUNTY BOARD OF COMMISSIONERS FOR THE ESTABLISHMENT OF FEES OR CHARGES TO BE ASSESSED FOR PRODUCTION OF PUBLIC RECORDS PURSUANT TO WYOMING STATUTES §16-4-201, et. seq.s

WHEREAS, pursuant to Wyoming Statutes §16-4-201 et seq., Carbon County is defined as a political subdivision within the meaning of the Wyoming Public Records Act; and

WHEREAS, Wyoming Statutes §16-4-201 provides for the right of inspection of public records, copies, printouts, or photographs and the fees therefore; and

WHEREAS, Wyoming Statutes §16-4-204(c) states that after July 1, 2000, any fees or charges assessed by a custodian of a public record shall first be authorized by duly enacted or adopted statute, rule, resolution, ordinance, executive order, or other like authority; and

WHEREAS, Carbon County is desirous of providing for the fees or charges to be assessed for the production of public records pursuant to the above-referenced act by resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of Carbon County Commissioners that the following fee schedule shall apply to copies, printouts, or photographs of public records, unless otherwise prescribed by law:

Payment must be provided in advance.

Photocopy Charges	\$.50 per page for the first 10 pages and \$.25 per page for each additional page. The minimum charge for photocopies is \$3.00
Employee Time	The actual cost for employee time shall be assessed at \$14.00 per hour clerical time and \$24.00 per hour for professional time
Electronic Record	\$25.00 per item electronically provided (i.e., including, but copy charges not limited to: C.D., floppy disc, micro film roll, e-mail)
Employee Time for Electronic Records	\$7.00 minimum fee if under one (1) hour. Over one (1) hour, actual employee time shall be assessed at \$14.00 per hour for clerical time and \$24.00 per hour for professional time.

PASSED, APPROVED AND ADOPTED this 23rd day of September, 2003.

Board of County Commissioners of the
County of Carbon

-s- Artlin Zeiger, Chairman

ATTEST: Linda Ann Smith, County Clerk

CARBON CEMETERY

Commissioner Fleming moved to authorize Linda Smith to contact the Bureau of Land Management to make a request under the Recreation and Lands program to obtain the title to BLM lands associated with the Carbon Cemetery. The motion was seconded by Commissioner Meacham and carried unanimously.

JAIL COMMITTEE

Commissioner Fleming moved to go into executive session at 2:10 p.m. to discuss possible litigation. The motion was seconded by Commissioner Meacham and carried unanimously.

Commissioner Meacham moved to come out of executive session at 3:05 p.m. The motion was seconded by Commissioner Fleming and carried unanimously.

JAIL CONSTRUCTION / HVAC

Commissioner Fleming moved to authorize Linda Smith to draft a letter to L.M. Olson to use Long & Associates for the HVAC contract instead of Johnson Controls due to the fact that Long & Associates provides services at all other county buildings. The motion was seconded by Commissioner Meacham and carried unanimously.

EXECUTIVE SESSION

Commissioner Fleming moved and Commissioner Fleming seconded to go into executive session at 3:00 p.m. for personnel and litigation. The motion carried unanimously.

Commissioner Meacham moved and Commissioner Fleming seconded to come out of executive session at 4:05 p.m. The motion carried unanimously.

PROJECT REACH

Commissioner Fleming moved to sign the one-year lease agreement between the Carbon County Board of Commissioners as lessor, and Project Reach as lessee, for the lease of County property at 350 Whipporwhill Drive, Baggs, WY beginning September 15, 2003 for the amount of \$10.00 per year. Commissioner Meacham seconded and the motion carried unanimously.

ROAD & BRIDGE

Bill nation appeared before the Board to present his bi-monthly report.

COALBED METHANE

Mickey Stewart and B.J. Kristiansen of the Coalbed Methane Coalition appeared with presentations on the progress of coalbed methane development in Carbon County.

LONG & ASSOCIATES

Commissioner Fleming moved to authorize Long Building Technologies to act as prime contractor and solicit bids for mechanical and electrical work for the heating and air conditioning work at the Courthouse and bring the project cost back to the County for further consideration. The motion was seconded by Commissioner Meacham and carried unanimously.

RECESS

Commissioner Zeiger declared a recess at 5:05 p.m. for a public meeting about the Seminoe Boat Club Road.

Jim Flanagan appeared on behalf of the Seminoe Boat Club to present an overview of the Boat Club, it's resources and it's facilities. The Boat Club is requesting assistance from Carbon County to repair or replace the private access road to the Boat Club.

A meeting was scheduled for Sunday, October 5 at 10:00 a.m. at the Seminoe Boat Club. Any interested individuals are invited to attend to do a "sidewalk survey" to determine the best course of action to complete their request.

The public meeting was ended and the Chairman called the regular meeting to order at 6:00 p.m.

HOMELAND SECURITY

Commissioner Fleming moved to approve the Chairman sign the Grant Award for U.S. Department of Homeland Security, Office for Domestic Preparedness (ODP) FY2003 State Homeland Security Grant Program (SHSGP) in the amount of \$37,800.00 with an award period of September 16, 2003 to December 31, 2004, naming Greg Zabel as contact person, contingent upon the approval of the county's civil attorney. The motion was seconded by Commissioner Meacham and carried unanimously.

STRATTON VS. REIDY

Commissioner Meacham moved that the Board sign the Notice of Appointment of Viewers and Appraisers in the Stratton vs. Reidy road matter. Commissioner Fleming seconded and the motion carried unanimously. Appointed were Gilbert Blumenthal, James P. Espy, and Casey McKee.

ADJOURNMENT

There being no further business, Chairman Zeiger adjourned the meeting at 6:25 p.m.

BOARD OF COMMISSIONERS
CARBON COUNTY, WYOMING

-s- Artlin Zeiger, Chairman

ATTEST:

-s- Linda Ann Smith, County Clerk